THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.25207 OF 2005

Date:28.11.2005

Between:

C.Venkataiah

… Petitioners

AND

The Regional Joint Director of School Education and others

… Respondents

ORDER:

The petitioner was appointed as an Attender in 1996 in the fourth respondent-school, which is admitted to grant-in-aid. According to him, he became eligible to be promoted as Record Assistant way back in 1999 and still his case was not considered. On an earlier occasion, he filed W.P.No.13192 of 2003, complaining that he was denied promotion as Record Assistant. The writ petition was disposed of on 28.10.2004, directing the Regional Joint Director of School Education, the first respondent herein, to consider and dispose of the representation made by the petitioner, dated 06.09.2002. In obedience of the direction issued by this Court, the first respondent examined the matter and issued proceedings dated 23.08.2005, pointing out that the case of the petitioner would be considered soon after the Government lifts the ban on appointments in private aided schools.

The learned counsel for the petitioner submits that the ban imposed by the Government does not operate against non-teaching vacancies and, in particular, to the case of the petitioner, which was being pursued for the past several years. He contends that the first respondent ought to have directed the consideration of the case of the petitioner against the existing vacancies.

The learned Government Pleader for School Education, on the other hand, submits that the Government has undertaken a process of rationalization to adjust the surplus teaching and non-teaching posts in private aided institutions against the existing vacancies and till that process is completed, no action can be taken.

In pursuance of the directions issued by this Court in its order, dated 28.10.2004, in W.P.No.13192 of 2003, the first respondent called for the record as well as the reports from the authorities concerned. On an examination of the same, he found that there exists six posts of Record Assistants in the fourth respondent school and out of them, four posts are already filled up. As regards the two vacancies, it is stated that the proposals for approval of appointments, on compassionate grounds, are pending. It was further observed that according to the relevant Government Rules, the posts of Record Assistants are to be filled only through promotion. The first respondent expressed his inability to accord any relief to the petitioner on the sole ground that the Government imposed ban on fresh recruitments or promotions.

The purport of imposition of ban by the Government on appointments in the private aided institutions, is to undertake an exercise of rationalization. Wherever the aided teaching or non-teaching posts are found surplus in certain institutions, the incumbents working against the same are being posted against the existing vacancies. The first respondent categorically stated that the case of the petitioner must be considered soon after the ban is lifted. This Court does not find any basis to interfere with the same.

Therefore, the writ petition is disposed of directing that as and when the ban on making appointments against teaching and non-teaching posts in aided institutions is lifted or discontinued, the case of the petitioner shall be considered for the promotion to the post of the Record Assistant against the existing vacancy in the fourth respondent school.

28.11.2005

kdl